

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Richard Livingston v Dan Miller**
Docket No. **305278**
L.C. No. **10-046122-NZ**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

On the Court's own motion, the claim of appeal is DISMISSED for lack of jurisdiction because it was not filed within 21 days of the order being appealed from and no motion for postjudgment relief was filed within the initial 21-day appeal period. MCR 7.204(A)(1)(a). At this time, appellant may seek to appeal the June 28, 2011 order only by filing a delayed application for leave to appeal under MCR 7.205(F).

Accordingly, the motion to accept claim of appeal is DENIED. The time limit for filing an appeal of right is jurisdictional. MCR 7.204(A). Such a filing does not occur until the claim of appeal is delivered to and received by the Clerk's Office of this Court. See MCR 7.202(4). Appellant's mere quotation of MCL 600.2301 does not establish that this Court may disregard the time limit for filing a claim of appeal. Further, appellant's alternate request to treat the claim of appeal as a delayed application for leave to appeal is declined, particularly as ample time remains for him to file an actual delayed application for leave to appeal the June 28, 2011 order.

The motion to add orders is DENIED as moot.

The motion to waive fees is GRANTED for this case only.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

OCT 21 2011

Date


Chief Clerk